

1 **ESSB 6431** - H AMD TO H AMD (H-5517.1) **1153 FAILED 3-05-98**

2 By Representative Carrell

3 On page 7, after line 8 of the amendment, insert the following:

4 "NEW SECTION. Sec. 4. A new section is added to chapter 46.55 RCW
5 to read as follows:

6 (1) This section applies to an impoundment of a vehicle when a
7 driver is arrested for a violation of RCW 46.61.502 or 46.61.504, or of
8 RCW 46.61.520 or 46.61.522 if committed while under the influence, as
9 provided for in RCW 46.55.113 and 46.55.120 and the driver has no prior
10 offense as defined in RCW 46.61.5505(8).

11 (2) Any local government ordinance or state agency rule that
12 provides for impoundment and redemption of vehicles may allow for
13 alternative home impoundment of vehicles for all or part of the thirty
14 day impoundment period authorized in RCW 46.55.120. Home impoundment
15 is an alternative to impoundment by a registered tow truck operator.
16 Home impoundment consists of removing a vehicle to the registered
17 owner's residence or other property, or to another place authorized by
18 the ordinance or rule, and placing a boot or other device on the
19 vehicle to render it immobile. The rule or ordinance of a jurisdiction
20 authorizing home impoundment may provide for implementation of the home
21 impoundment program through the jurisdiction's own agencies and by
22 means of its own impoundment devices, or through registered tow truck
23 operators and by means of devices provided by registered tow truck
24 operators, or by some combination of such methods. The rule or
25 ordinance of a jurisdiction authorizing home impoundment shall allow
26 the driver of the vehicle to elect whether to be subject to impoundment
27 under RCW 46.5.120 or home impoundment under this section.

28 (3) Before any home impoundment is begun, the vehicle must be
29 redeemed as provided for in RCW 46.55.120 if any impoundment has
30 occurred under that section, and any towing fee incurred in getting the
31 vehicle to the place of home impoundment must be paid.

32 (4) At the end of the period of home impoundment, the vehicle may
33 be released only after all applicable fees have been paid and only
34 after all other obligations imposed by rule or ordinance have been met,
35 and only to a person who would qualify to redeem an impounded vehicle
36 under RCW 46.55.120.

1 (5) A local ordinance or state agency rule may provide for
2 impoundment by a registered tow truck operator if at the end of the
3 period of home impoundment there is no qualified person to whom the
4 vehicle may be released.

5 (6)(a) A local ordinance or state agency rule may provide that if
6 the boot or other device on a vehicle in home impoundment is tampered
7 with, damaged, removed or rendered inoperative, the vehicle may be
8 immediately impounded and held for an additional period of time, not to
9 exceed thirty days.

10 (b) Any person seeking to redeem a vehicle impounded by a
11 registered tow truck operator under this section has a right to a
12 hearing to contest the validity of the impoundment as provided in RCW
13 46.55.120.

14 (c) The vehicle may be released only upon payment of all
15 applicable fees, including any fees for damage to the boot or other
16 device, and upon compliance with the redemption requirements of RCW
17 46.55.120, including the payment of all towing, removal, and storage
18 fees.

19 (d) A local ordinance may provide criminal penalties for
20 tampering, damaging, removing or rendering inoperative the boot or
21 other device used in a home impoundment."

22 Renumber the remaining sections and correct the title.

EFFECT: Allows the option of up to 30 days of "home impoundment"
of a vehicle using a "boot" instead of impoundment at a registered
tow truck operator's lot in the case of first-time offenders.
Localities are allowed to do home impoundment themselves, or to
provide for it to be done by tow truck operators, or to provide
for some combined implementation method. Driver's are to be given
the choice between home impoundment and regular impoundment in
jurisdictions that allow home impoundment. Release of a home
impounded vehicle is subject to the same requirements as
redemption from impoundment, e.g., possession of a driver's
license, proof of insurance and payment of charges related to the
impoundment.